

ENTERED

June 30, 2022

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**EDWARD LEE SCARBROUGH, *et al.*,

Plaintiffs,

vs.

JPMORGAN CHASE BANK, N.A., *et al.*,

Defendants.

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CIVIL ACTION NO. H-21-3760

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
AND GRANTING MOTIONS TO DISMISS**

This court has reviewed the Memorandum and Recommendation of Judge Sam S. Sheldon signed on June 2, 2022, and made a *de novo* determination. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1)(C); *United States v. Wilson*, 864 F.2d 1219 (5th Cir. 1989). No objections have been filed. Based on the record, the parties' briefs, and the applicable law, the court adopts the Memorandum and Recommendation as this court's Memorandum and Order. This court finds and concludes that: (1) the court has subject matter jurisdiction based on diversity of citizenship; (2) the plaintiff's motion to remand, (Docket Entry No. 8), is denied; and (3) the defendants' motions to dismiss, (Docket Entry Nos. 16, 29), are granted. The dismissal is without prejudice and with leave to amend, no later than **July 29, 2022**. If no amendment is filed by July 29, 2022, the dismissal will be with prejudice.

SIGNED on June 30, 2022, at Houston, Texas.



Lee H. Rosenthal
Chief United States District Judge